(171)

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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 1414 of 2005

Petitioners

1) Suresh Kumar Kaushik, S/o. Late B.R. Kaushik, Aged about 43 years, Manager, District Cooperative Union Ltd., Nehru Chowk, Bilaspur, CG.

2) Rameshwar Prasad Tiwari, S/o. Shri I.P. Tiwari, Aged about 42 years, Clerk. District Cooperative Union Ltd., Nehru Chowk, Bilaspur, CG.

3) Devendra Kumar Tiwari, S/o. Bodh Ram Tiwari, Aged about 31 years, Peon, District Cooperative Union Ltd., Nehru Chowk, Bilaspur, CG.

4) Shivmani Gautam, S/o. Late B.L. Gautam, Aged about 27 years, Compositor, District Cooperative Union Ltd. (Press), Nehru Chowk, Bilaspur, CG.

Versus

Respondents

1) State of Chhattisgarh through its Secretary, Department of Cooperative, Mantralaya, D.K.S. Bhawan, Raipur, CG.

2) Registrar, Cooperative Societies, Chhattisgarh, Raipur, CG.

3) Joint Registrar, Cooperative Societies, Bilaspur, CG.

4) District Cooperative Union Ltd., Nehru Chowk, Bilaspur through its Authorized Officer.

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(Writ Petition under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus, certiorari and for other suitable writ or writs, order or orders, direction or directions)

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:

Shri Afroj Khan, counsel for the petitioners.
Shri Vinay Pandey, Panel Lawyer for respondents No. 1 to 3/ State.
Shri H.B. Agrawal, Sr. Advocate with Shri Pankaj Agrawal, counsel for respondent No.4.

ORAL ORDER
(Passed on 23rd April, 2007)

I.A.No.11207/2006

This is an application for bringing legal heirs of petitioner No.1 on record.

The application is ordered as prayed for.

The petitioners/Association have sought for a direction to grant employees of the petitioners Association, the benefit of 5th Pay Commission.

2. Section 55 read with Section 64 of the Chhattisgarh Cooperative Societies Act, 1960, clearly provides for determination of conditions of employment in Society as well as resolving any dispute between employer and employee, by the Registrar, Cooperative Societies.

3. The petitioners/Association, without taking recourse to the statutory remedy available to it, has approached to this Court directly. There is no infringement of any fundamental or legal right which may be considered by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

4. In view of the foregoing, this petition is dismissed. No order as to costs.

5. However, liberty is reserved to the petitioners/Association to take recourse of the appropriate forum that may be available to them. This order will not come in the way of the Registrar or any other concerned authority to pass any order, in accordance with law.

Sd/-
Satish K. Agnihotri
Judge

raju